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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,509	12/10/2003	Keiichi Aoyama	03500.017777.	4629
5514 7590 01/20/2010 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800				
EXAMINER				
KE, PENG				
ART UNIT		PAPER NUMBER		
2174				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/731,509

Applicant(s)

AOYAMA ET AL.

Examiner

SIMON KE

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 7, 8, 11 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7, 8, 11, and 14-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 10/07/09.

Claims 1, 7, 8, 11, and 14-17 are pending in this application. Claims 1 and 11 are independent claims. In the Amendment, filed on 10/07/09, claims 1 and 11 were amended.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 7, 8, 11 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Hendricks US Patent 7,168,084.

As per claim 1, Hendricks teaches a digital broadcasting receiver, comprising:
receiving means for receiving, from a broadcasting wave, a digital television signal and a software program including GUI data which is screen data for effecting display on a display unit;
(see Hendricks, col. 1, lines 30-48)

installing means for selectively installing the GUI data included in the software program received by said receiving means; (see Hendricks, col. 1, lines 50-col. 2, lines 2, lines 7)

displaying means for displaying the installed GUI data on the display unit; and storage means for storing a user's preference information, wherein the software program further includes
(a) compatibility information which is used to control the installation of the GUI data by said

installing means,(see Hendricks, col. 2, lines 45-55) and (b) keyword information relating to the GUI data, (see Hendricks, col. 2, lines 60- col. 3, lines 20) and

wherein said installing means controls the installation of the GUI data based on the compatibility information included in the software program received by said receiving means such that if said installing means discriminates based on the compatibility information (see Hendricks, col. 3, lines 20-32) whether that the GUI data included in the received software program adapts to the digital broadcasting receiver which receives the software program from the broadcasting wave, receiver, then said installing means discriminates whether the keyword information relating to the GUI data matches the user's preference information stored in said storage means,(see Hendricks, col. 3, lines 35- col. 4, lines 5) and if the keyword information matches the user's preference information, then said installing means displays a selecting screen for causing a user to select whether or not to install the GUI data, and determines whether or not the GUI data should be installed, in accordance with a user's input to the selecting screen displayed on the display unit.(see Hendricks, col. 2, lines 45-55)

As per claim 7, Hendricks teaches a digital broadcasting receiver according to claim 1, wherein:

the keyword information is characteristics information of a remote control;
the preference information is tendency information for a user's operation; (see Hendricks, col. 2, lines 60- col. 3, lines 20) and

the GUI data to be installed is selected based on comparison between the characteristics information and the tendency information. (see Hendricks, col. 2, lines 60- col. 3,

lines 20)

As per claim 8, Hendricks teaches a digital broadcasting receiver according to claim 7, wherein the tendency information includes at least one of a history of an operation for executing a given function, a type of misoperation caused before execution of the given function, a hand holding the remote control, and information as to whether the remote control is laid in use or held in use. (see Hendricks, col. 3, lines 35- col. 4, lines 5)

As per claims 11 and 14, it is rejected under the same rationale as claim 1 and 7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks US Patent 7,168,084 in view of Straub US Patent 5,905,492.

As per claim 15, Hendricks a digital broadcasting receiver according to claim 1. However, Hendricks fails to teach wherein the GUI data comprises data for changing a menu in a graphical user interface.

Straub teaches wherein the GUI data comprises data for changing a menu in a graphical user interface. (see Straub, col. 2, lines 50-col. 3, lines 6)

It would have been obvious to an artisan at the time of the invention to include Straub's teaching with method of Hendricks in order to allow users to customize their menus.

As per claim 16, Hendricks teaches a digital broadcasting receiver according to claim 1. However, Hendricks fails to teach wherein the GUI data comprises a menu screen image.

Straub teach wherein the GUI data comprises a menu screen image. (see Straub, col. 2, lines 50-col. 3, lines 6)

It would have been obvious to an artisan at the time of the invention to include Straub's teaching with method of Hendricks in order to allow users to customize their menus.

As per claim 17, Hendricks teaches a digital broadcasting receiver according to claim 1. However, Hendricks fails to teach wherein the GUI data comprises data for changing a menu to correspond to a remote control.

Straub teaches wherein the GUI data comprises data for changing a menu to correspond to a remote control. (see Straub, col. 2, lines 50-col. 3, lines 6)

It would have been obvious to an artisan at the time of the invention to include Straub's teaching with method of Hendricks in order to allow users to customize their menus.

Response to Arguments

Applicant's arguments with respect to claims 1, 7, 8, 11, and 14-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SIMON KE whose telephone number is (571)272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Peng Ke
/Peng Ke/
Primary Examiner, Art Unit 2174